

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**  
**December 15, 2009**

**3:30 P.M. SCHEDULED SESSION**

**3:30 P.M. MEETING COMMENCED**

**ROLL CALL:** William Boyd, Joe Brown, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearngen Ware and Chairman Harold Collins. Janis Fullilove was absent

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Minister Donna Ware-Maliba, from Faith Fellowship Church of God in Christ. Councilwoman Ware presented Minister Maliba with a certificate naming her Chaplain of the day.

**These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.**

**MINUTES**

Approval of the Minutes of the regular meeting of November 17, 2009 with the following motion:

**MOTION:** Ford  
**SECOND:** Strickland  
**AYES:** Boyd, Brown, Conrad, Ford, Halbert, Morrison, Strickland, Ware and Chairman Collins  
Flinn, Hedgepeth and Lowery did not cast a vote  
Fullilove was absent

**APPROVED**

2. **RESOLUTION COMMENDING ANAYA SUGGS WHOSE HEROIC ACTIONS SAVED THE LIVES OF HER FAMILY MEMBERS.**

Held to January 12, 2010

25. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO. 4159, EXTENDING THE FRANCHISE ORDINANCE AS AMENDED, UP FOR T H I R D AND F I N A L READING.** (Held from 12/1)

Ordinance No. 5331

Held to January 26, 2010

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF MT. OLIVE STREET FOR BISHOP E. H. AND EMMA WARE.**

MOTION: Ware

SECOND: Ford

**APPROVED**, by unanimous voice vote

45. **APPOINTMENTS**

**Chief Administrative Officer**

**Appointment**

George Little

**City of Memphis Board of Ethics**

**Appointments**

Mark Chambers

Robert T. Dawkins

Carol K. George

Vaness M. Harvey

Alicia Howard

The Honorable Robert A. Lanier

Ruth A. Pollard

Pete Scatamacchia

MOTION: Strickland

SECOND: Boyd

AYES: Boyd, Brown, Conrad, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware

and Chairman Collins  
Flinn and Ford did not cast a vote  
Fullilove was absent

**APPROVED**

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF SOUTH COOPER AND COWDEN AVENUE, CONTAINING 0.47 ACRE (20,430 SQ. FT.) IN THE HIGHWAY COMMERCIAL (C-H) AND DUPLEX RESIDENTIAL (R-D) DISTRICTS.**

Case No. PD 09-321

Applicant: Memphis Builders' Exchange  
Powers-Hill Design, LLC – Representative

Request: Planned development to combine two (2) adjacent parcels to allow additional parking at the east side of the building

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Ware

AYES: Boyd, Brown, Conrad, Flinn, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Ford did not cast a vote  
Fullilove was absent

**APPROVED**

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF HACKS CROSS ROAD +/-225' @ T & B BOULEVARD, CONTAINING 5,500 SQ. FT. OF 6.18 ACRES AND IS CURRENTLY GOVERNED BY FIELDSTONE PLANNED DEVELOPMENT, 2<sup>ND</sup> AMENDMENT (P.D. 08-337).**

Case No. PD 09-324

Applicant: Tower Ventures V, LLC  
Prime Development Group, Inc. – Representative

Request: Planned development amendment to Parcel 'C' to allow a cellular communications tower one-hundred fifty (150) feet in height designed as a flag pole to be located to the rear of Players Crossing Shopping Center

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Ware

AYES: Boyd, Brown, Conrad, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware  
and Chairman Collins  
Flinn recused  
Ford did not cast a vote  
Fullilove was absent

**APPROVED**

5. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE  
NORTHEAST CORNER OF WHITTEN ROAD AND CAPTAINS RITE COVE,  
CONTAINING 1.53 ACRES IN PD 03-347.**

Case No. PD 09-325

Applicant: Scott D. Marshall

Request: Automotive Sales and Service

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Morrison

SECOND: Boyd

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

44. **RESOLUTION APPROVING A HOTEL WAIVER FOR HAMPTON INN AND SUITES  
AT BEALE STREET, LOCATED AT 175 PEABODY PLACE.**

MOTION: Morrison

SECOND: Boyd

AYES: Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland,  
Ware and Chairman Collins  
Boyd did not cast a vote  
Fullilove was absent

**APPROVED**

**CONSENT AGENDA – Items 6-12 & 48 may be acted upon by one motion: SEE PAGE 1339**  
**ROLL CALL**

6. **ORDINANCE TO AMEND CHAPTER 25, SECTION 15-181 SO AS TO REVISE AND  
CLARIFY SECTIONS OF THE PENSION AND RETIREMENT PLAN, UP FOR  
S E C O N D READING.**

Ordinance No. 5341

**APPROVED**, on Second reading

7. **ORDINANCE REZONING THE NORTHWEST CORNER OF NORTH BELLEVUE AND SMITH AVENUE, CONTAINING 0.26(11,325.60 SQ. FT.) IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5342  
Case No. Z 09-107

**APPROVED**, on First reading

8. **ORDINANCE REZONING THE SOUTHWEST CORNER OF SHELBY DRIVE AND RIVERDALE ROAD, CONTAINING +1.75 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-ML) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5339  
Case No. Z 09-105

**APPROVED**, on Second reading

9. **ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE. THE FOLLOWING ITEM WAS HEARD AND UNANIMOUSLY APPROVED BY THE LAND USE CONTROL BOARD ON NOVEMBER 12, 2009, UP FOR S E C O N D READING.**

Ordinance No. 5340  
Case No. ZTA 09-002cc

**APPROVED**, on Second reading

10. **RESOLUTION ACCEPTING NATIONAL RENAL ALLIANCE DIALYSIS CENTER MEMPHIS SOUTH STREET AND DRAINAGE IMPROVEMENTS, AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5125)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located east of Elvis Presley Blvd., south of East Raines Road. The standard improvement contract was approved on September 6, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$94,000.00.

City Engineer recommends approval

**APPROVED**

11. **RESOLUTION APPROVING FINAL PLAT OF HOPE SUBDIVISION.**

Case No. S 09-001

Resolution approves the final plat located at the south east corner of Overton Crossing Road and Pamela Street.

City Engineer recommends approval

**APPROVED**

12. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. UV 09-06  
B. Case No. PD 09-323cc – Villages of Bennington P.D., 3<sup>rd</sup> Amendment

Public Hearing Set for January 12, 2010

48. **TECHNICAL CORRECTION ORDINANCE FOR CLERICAL ERRORS ON ORDINANCES PREVIOUSLY PASSED AND SIGNED, BUT NOT YET CODIFIED AS FOLLOWS: ORDINANCE NO. 5223, SELL OF BEER OFF PREMISES, ORDINANCE NO. 5317, INSPECTION OF MOTOR VEHICLES AND ORDINANCE NO. 5327, BOARD OF ETHICS MEMBERSHIP REQUIREMENTS, UP FOR F I R S T READING.**

Ordinance No. 5343

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

MOTION: Ford  
SECOND: Boyd  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Strickland,  
Ware and Chairman Collins  
Morrison did not cast a vote  
Fullilove was absent

**APPROVED**

**MLGW FISCAL CONSENT – Items 13-22 may be acted upon by one motion:**

13. **RESOLUTION AWARDDING CONTRACT NO. 11364, HORIZONTAL EARTH BORE UNDER RAILROAD, TO MEMPHIS ROAD BORING COMPANY, INC. IN THE FUNDED AMOUNT OF \$218,080.00.**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11186, ENVIRONMENTAL ABATEMENT SERVICES, WITH GENERAL CONSTRUCTION SERVICES, INC. IN THE FUNDED AMOUNT OF \$9,580,000.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND, THIRD AND FOURTH RENEWAL TERMS, DECEMBER 10, 2009 TO DECEMBER 9, 2012, WITH NO INCREASE IN RATES OVER THE THREE-YEAR PERIOD).**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11148, PROFESSIONAL ENGINEERING SERVICES, WITH SSR ELLERS, INC. IN THE FUNDED AMOUNT OF \$171,800.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, JANUARY 1, 2010 TO DECEMBER 31, 2010, WITH NO INCREASE IN RATES. IT ALSO INCLUDES THE DESIGN OF SEISMIC UPGRADES AT THE WATER LAB AND MORTON PUMPING STATION, CUSTOMER SERVICE BUILDING AT HICKORY HILL, SURVEYING BUILDING AT BRUNSWICK SERVICE CENTER, ROOF DESIGN AT SHEAHAN PUMPING STATION, EMERGENCY GENERATOR FOR THE NORTH COMMUNITY OFFICE, LAMAR COMMUNITY OFFICE AND HICKORY HILL SERVICE CENTER, THE FACILITIES MASTER PLAN, AND AUTOMATED FUEL MANAGEMENT AT THE NORTH SERVICE CENTER).**

**APPROVED**

16. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11229, PROFESSIONAL ENGINEERING SERVICES, WITH ALLEN AND HOSHALL ENGINEERS, IN THE FUNDED AMOUNT OF \$109,300.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, JANUARY 1, 2010 TO DECEMBER 31, 2010. IT ALSO INCLUDES THE DESIGN OF ETHANOL TANKS AT NORTH SERVICE CENTER AND CENTRAL SHOPS, AND THE DESIGN OF WASH WATER RECOVERY BASIN AT LICHTERMAN PUMPING STATION).**

**APPROVED**

17. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11230, PROFESSIONAL ENGINEERING SERVICES, WITH THOMPSON ENGINEERS, INC. IN THE FUNDED AMOUNT OF \$37,000.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, JANUARY 1, 2010 TO DECEMBER 31, 2010, WITH NO INCREASE IN RATES. IT ALSO COVERS THE DESIGN OF THE ODORIZE BUILDING AT AIRWAYS GATE STATION, DESIGN OF VENTILATION SYSTEM AT MALLORY PUMPING STATION, HICKORY HILL SERVICE CENTER, AND THE NORTH SERVICE CENTER).**

**APPROVED**

18. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11231, PROFESSIONAL ENGINEERING SERVICES, WITH BRANHAM AND LLOYD, LLC, IN THE FUNDED AMOUNT OF \$56,000.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, JANUARY 1, 2010 TO DECEMBER 31, 2010, WITH NO INCREASE IN RATES. IT ALSO INCLUDES THE DESIGN OF UPS UPGRADE AT NETTERS BUSINESS CENTER, SECURITY GATE AT NORTH SERVICE CENTER, AND VAV RE-HEAT BOXES AT BEALE STREET LANDING GARAGE).**

**APPROVED**

19. **RESOLUTION AWARDING 36-MONTH CONTRACT FOR OFFICE SUPPLIES TO OFFICEMAX IN AN AMOUNT NOT TO EXCEED \$1,468,120.41.**

**APPROVED**

20. **RESOLUTION APPROVING PAYMENT OF 2010 MEMBERSHIP DUES TO THE AMERICAN GAS ASSOCIATION IN THE AMOUNT OF \$49,039.00.**

**APPROVED**

21. **RESOLUTION APPROVING EMPLOYMENT OF THE HUNT LAW FIRM ON AN AS-NEEDED BASIS AT AGREED-UPON HOURLY RATES.**

**APPROVED**

22. **RESOLUTION APPROVING EMPLOYMENT OF LEACH, JOHNSON, SONG AND GRUCHOW FOR LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED-UPON HOURLY RATES.**

**APPROVED****MLGW ROLL CALL CONSENT ITEMS**

MOTION: Ware  
SECOND: Strickland  
AYES: Boyd, Conrad, Flinn, Ford, Halbert, Lowery, Strickland, Ware and Chairman Collins  
Brown, Hedgepeth and Morrison did not cast a vote  
Fullilove was absent

**APPROVED**

23. **ORDINANCE TO REVISE CHAPTER 15, SECTION 15-11(D), OF THE CITY OF MEMPHIS CODE OF ORDINANCES, PERTAINING TO THE DIMENSIONS OF LIMBS AND LOGS COLLECTED BY THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.** (Held from 10/20; 11/3;11/17)

Ordinance No. 5329

MOTION: Boyd  
SECOND: Hedgepeth  
AYES: Boyd, Brown, Conrad, Flinn, Halbert, Hedgepeth, Lowery, Morrison, Ware and Chairman Collins  
Ford and Strickland did not cast a vote  
Fullilove was absent



**APPROVED**

24. **ORDINANCE FIXING TAX RATE OF THE CITY OF MEMPHIS FOR THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS, UP FOR T H I R D AND F I N A L READING.** (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15; 10/6; 11/3; 11/17; 12/1)  
Ordinance No. 5319

MOTION: Boyd – Hold to 12/29 and begin debate on budget on 12/17  
SECOND: Strickland

Councilman Flinn asked the maker of the motion that if we go this route, to change the budget hearings from 12/17 to 12/26, 12/27, 12/28. Councilman Strickland stated that he agreed with this motion. Councilman Flinn then asked if the Mayor was still attempting to get here from out of town to address us on this issue. After hearing a response from the Chairman, Councilman Flinn stated that with a separate motion let's move this item to the heel of the agenda. The Chairman stated that without objection, this item will be held to the heel of the agenda. (SEE THIS ITEM FURTHER IN THE MINUTES)

26. **ORDINANCE TO ESTABLISH MEETING DATES FOR CITY COUNCIL MEETINGS IN 2010, UP FOR T H I R D AND F I N A L READING.**  
Ordinance No. 5338

MOTION: Boyd  
SECOND: Strickland  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Strickland and Chairman Collins  
NAYS: Ware  
Morrison did not cast a vote  
Fullilove was absent

**APPROVED**

27. **RESOLUTION DESIGNATING AREAS IN THE CITY OF MEMPHIS AS “RECOVERY ZONES” FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS.**

MOTION: Ford  
SECOND: Flinn  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Strickland, Ware and Chairman Collins  
Hedgepeth and Morrison did not cast a vote  
Fullilove was absent

**APPROVED**

28. **RESOLUTION AMENDING THE FY10 CAPITAL IMPROVEMENT PROJECT #GS0210E TO CHANGE THE EQUIPMENT ORIGINALLY SUBMITTED. THERE IS NO CHANGE IN THE APPROVED BUDGET.**

MOTION: Boyd  
SECOND: Ford  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware  
and Chairman Collins  
Hedgepeth did not cast a vote  
Fullilove was absent

**APPROVED**

29. **RESOLUTION AUTHORIZING SALE OF THE FOLLOWING CITY OWNED PARCELS TO PARTICIPANTS OF DIVERSITY DEVELOPER INCUBATOR INITIATIVE: JACKSON AVENUE & NORTH DUNLAP STREET – (027026 00012) & (027026 00013) – DOWNTOWN/MEDICAL DISTRICT, IN THE AMOUNT OF \$1.00.**

MOTION: Ford  
SECOND: Ware  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Hedgepeth, Lowery, Morrison, Strickland,  
Ware and Chairman Collins  
Halbert did not cast a vote  
Fullilove was absent

**APPROVED**

30. **RESOLUTION ALLOWING THE CITY OF MEMPHIS TO RECOUP THE COST OF PROVIDING IMPROVEMENTS, FACILITIES, AND ESSENTIAL SERVICES TO CERTAIN TAX EXEMPT MULTI FAMILY FACILITIES AS AUTHORIZED UNDER TENNESSEE CODE ANNOTATED §67-5-207.**

MOTION: Ford  
SECOND: Ware  
AYES: Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland,  
Ware and Chairman Collins  
Boyd abstained  
Fullilove was absent

**APPROVED**

31. **RESOLUTION APPROVING THE DIVISION OF PARK SERVICES TO APPROPRIATE \$203,904.00 OF THE TOTAL ALLOCATION APPROVED BY THE COUNCIL IN THE FISCAL YEAR 2009 CIP BUDGET IN CONTRACT CONSTRUCTION FOR M. L. KING RESTROOMS, CIP PROJECT NUMBER PK07102, FUNDED BY MARTIN LUTHER KING JR., PARK IMPROVEMENTS, FUND 0219, FOR THE CONSTRUCTION OF THE M. L. KING RESTROOMS.**

MOTION: Strickland

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Hedgepeth did not cast a vote  
Fullilove was absent

**APPROVED**

32. **RESOLUTION APPROVES THE DIVISION OF PARK SERVICES TO FUND \$659,923.00 OF THE TOTAL APPROPRIATION APPROVED BY THE COUNCIL ON JUNE 16, 2009 IN CONTRACT CONSTRUCTION IN GOLF IRRIGATION IMPROVEMENTS, CIP PROJECT NUMBER PK06006, FUNDED BY G.O. BONDS GENERAL, FOR THE CONSTRUCTION OF THE PUMP STATION IMPROVEMENTS AT AUDUBON AND PINE HILL GOLF COURSES AND IRRIGATION IMPROVEMENTS AT AUDUBON AND PINE HILL GOLF COURSES.**

MOTION: Strickland

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Ware and Chairman Collins  
Strickland did not cast a vote  
Fullilove was absent

**APPROVED**

33. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE (DOJ), BUREAU OF JUSTICE ASSISTANCE FY 08 BULLETPROOF VESTS PARTNERSHIP (BVP 2008) IN THE AMOUNT OF \$16,761.04. RESOLUTION ALSO AMENDS THE FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$16,761.04 IN GRANT FUNDS.**

MOTION: Hedgepeth

SECOND: Ware

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Hedgepeth did not cast a vote  
Fullilove was absent

**APPROVED**

34. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) OF THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$19,960.98. RESOLUTION ALSO AMENDS FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$19,960.98 IN GRANT FUNDS FOR FY 2010.**

MOTION: Hedgepeth

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

35. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE ALLSTATE INSURANCE COMPANY – TEEN DRIVING PROGRAM IN THE AMOUNT OF \$36,000.00. RESOLUTION ALSO AMENDS FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$36,000.00 IN GRANT FUNDS.**

MOTION: Hedgepeth

SECOND: Boyd

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

36. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) OF THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$74,482.45. RESOLUTION ALSO AMENDS FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$74,482.45 IN GRANT FUNDS FOR FY 2010.**

MOTION: Hedgepeth

SECOND: Morrison

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Hedgepeth did not cast a vote  
Fullilove was absent

**APPROVED**

37. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE (DOJ), BUREAU OF JUSTICE ASSISTANCE FY 09 BULLETPROOF VESTS PARTNERSHIP (BVP 2009) IN THE AMOUNT OF \$63,694.03. RESOLUTION ALSO AMENDS THE FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$63,694.03 IN GRANT FUNDS.**

MOTION: Hedgepeth  
SECOND: Morrison  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

38. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) OF THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$702,318.08. RESOLUTION ALSO AMENDS THE FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$702,318.08 IN GRANT FUNDS FOR FY 2010.**

MOTION: Hedgepeth  
SECOND: Strickland  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

39. **RESOLUTION ESTABLISHING A FUND TO ACCEPT DONATIONS SOLELY FOR USE OF THE OPERATIONS AND PROGRAMS OF THE ANIMAL SHELTER.**

MOTION: Brown  
SECOND: Morrison  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Hedgepeth did not cast a vote  
Fullilove was absent

**APPROVED**

40. **RESOLUTION AMENDING THE FY10 OPERATING BUDGET BY ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$10,000.00 FROM GUILMENOT CONSULTING, INC. FOR THE OFFICE OF YOUTH SERVICES AND COMMUNITY AFFAIRS' SUMMER YOUTH ACHIEVE PROGRAM.**

MOTION: Brown

SECOND: Strickland  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

41. **RESOLUTION APPROVING A LEASE AGREEMENT WITH DEWAYNE HENDRIX, D/B/A TWO-WAY GIN COMPANY, INC., AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON SEPTEMBER 23, 2009.**

Contract No. CR-5150

MOTION: Strickland  
SECOND: Boyd  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

42. **RESOLUTION APPROVING A LEASE AGREEMENT WITH KINDER MORGAN RIVER TERMINALS LLC, AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON SEPTEMBER 23, 2009.**

Contract No. CR-5151

MOTION: Strickland  
SECOND: Boyd  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

43. **RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT WITH NUCOR STEEL MEMPHIS, INC., AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON SEPTEMBER 23, 2009.**

Contract No. CR-5152

MOTION: Strickland  
SECOND: Morrison  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland,  
Ware and Chairman Collins

Hedgepeth did not cast a vote  
Fullilove was absent

**APPROVED**

46. **RESOLUTION MODIFYING THE BASS PRO DEVELOPMENT AGREEMENT TO REMOVE ALL REFERENCES TO SHELBY COUNTY GOVERNMENT THEREIN, TO EXTEND THE DEVELOPMENT PERIOD TO MARCH 31, 2010, AND TO AMEND AND INCREASE THE PYRAMID REDEVELOPMENT BUDGET LINE IN THE AMOUNT OF \$105,000.00 BY INCREASING THE AMOUNT OF REVENUE FROM CONTRACT #25189 BY \$105,000.00.**

MOTION: Ford  
SECOND: Boyd  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**, as amended in Committee

47. **RESOLUTION AUTHORIZING THE SERVICES OF RELMAN AND DANE, PLLC IN LEGAL PROCEEDINGS RELATED TO FORECLOSURES IN MEMPHIS AND SHELBY COUNTY.**

MOTION: Boyd  
SECOND: Ford  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**

24. **ORDINANCE FIXING TAX RATE OF THE CITY OF MEMPHIS FOR THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS, UP FOR T H I R D AND F I N A L READING.** (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15; 10/6; 11/3; 11/17; 12/1)  
Ordinance No. 5319

MOTION: Flinn – Recess until 6:40 p.m. tonight  
SECOND: Ware  
AYES: Brown, Flinn, Ford, Ware and Chairman Collins  
NAYS: Boyd, Conrad, Halbert, Lowery, Morrison and Strickland  
Hedgepeth did not cast a vote  
Fullilove was absent

**FAILED**, set up as Special Item #1

MAIN MOTION: Strickland - Hold to 12/29 and begin budget discussions on 12/26/ 12/27 and 12/28  
SECOND: Hedgepeth  
AYES: Boyd, Conrad, Flinn, Hedgepeth, Lowery, Morrison and Strickland  
NAYS: Brown, Ford, Halbert, Ware and Chairman Collins  
Fullilove was absent

**APPROVED**, set up as Special Item #2

## **MINUTES**

Approval of the Minutes of the regular meeting of December 15, 2009 for Items 44-47 only:

MOTION: Flinn  
SECOND: Boyd  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Hedgepeth did not cast a vote  
Fullilove was absent

**APPROVED**, set up as Special Item #3

MOTION: Flinn – Reconsider the Amendment to Item #24 to hold to 12/29 and have budget hearings on 12/26, 12/27 and 12/28  
SECOND: Conrad  
AYES: Conrad, Flinn, Ford, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins  
NAYS: Lowery  
Boyd and Brown did not cast a vote  
Fullilove was absent

**APPROVED**, item reconsidered. Set up as Special Item #4

MOTION: Flinn – Hold to 12/29 and have budget hearings on 12/26, 12/27 and 12/28

**No action was taken on Mr. Flinn's motion**

MOTION: Conrad – Recess until 5:30 p.m. tomorrow (December 16, 2009)  
SECOND: Brown  
AYES: Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Morrison and Strickland and Chairman Collins  
NAYS: Boyd, Lowery and Ware  
Fullilove was absent

**APPROVED**, City Council meeting recessed until December 16, 2009. Set up as Special Item #5



**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman Collins recognized the following person who spoke from the audience:

Justin Camp, 4632 E. Dearing, Mphs, TN 38117  
Walter Broady, 4256 Ledbetter Cove, Mphs, TN 38109

**Upon statement of the Chairman, with objection, the meeting was recessed to 5:30 p.m. on Wednesday, December 16, 2009.**

**MINUTES  
RECESSED MEETING OF THE CITY COUNCIL  
CITY OF MEMPHIS**

**DECEMBER 16, 2009**

**After the meeting was opened for the transaction of business and a quorum was declared present, the Council considered passage of Ordinance No. 5319, Item #24. The Council made the following motions:**

24. **ORDINANCE FIXING TAX RATE OF THE CITY OF MEMPHIS FOR THE BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS, UP FOR T H I R D AND F I N A L READING.** (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15; 10/6; 11/3; 11/17; 12/1)  
Ordinance No. 5319

MOTION: Strickland – Do not raise taxes for the purposes of funding schools for FY 2009-2010  
SECOND: Halbert  
AYES: Boyd, Conrad, Flinn Ford, Halbert, Morrison and Strickland  
NAYS: Collins  
Brown and Hedgepeth did not cast a vote  
Fullilove, Lowery and Ware were absent

**APPROVED**, set up as Special Item #2, mooting Ordinance No. 5319

**Conrad Plan:**

MOTION: Conrad – Pledge 16 million out of reserve and bring back to Council on January 26, 2010, 16 million in cuts for the rest of this fiscal year which will equal 32 million annually and that the 1985 document agreement is in effect acknowledging that 18 million of debt offset which will get us to the 50 million  
SECOND: Boyd

Friendly Amendment: 23 million out of reserve, increase the budget cuts from 16 million to 17 million for the 5 months left in 2009 which includes the 1985 plan and 10 million offset

MOTION: Conrad  
SECOND: Boyd  
AYES: Conrad  
NAYS: Boyd, Brown, Flinn, Ford, Halbert, Morrison, Strickland and Chairman Collins  
Hedgepeth did not cast a vote  
Fullilove, Lowery and Ware were absent

**FAILED**, set us as Special Item #1

**Strickland Plan:**

MOTION: Strickland – 30 million out of reserve, 10 million in cuts from the City budget by February 28 and use the 1985 agreement and 10 million be the offset of what the MCS owes the City  
SECOND: Boyd

Friendly Amendment: Set a floor of 10 million in cuts

**Councilman Strickland accepted Councilman Flinn's friendly amendment**

No action was taken on Mr. Strickland's motion

MOTION: Morrison – Table to the first meeting in January  
SECOND: Halbert

Without Objection, item tabled to January 12, 2010

**INTRODUCTION ON MATTERS BY THE GENERAL PUBLIC:**

**ADJOURNED MEETING AT 7:25 P.M.**

.....

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

---

CHAIRMAN

Attest:

---

Deputy Comptroller/Council Records

